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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,672	10/07/2003	John N. Dodgen	P06686USD	5448
34082	7590	02/20/2008		
ZARLEY LAW FIRM P.L.C. CAPITAL SQUARE 400 LOCUST, SUITE 200 DES MOINES, IA 50309-2350				
EXAMINER				
NGUYEN, THUY-VI THI				
ART UNIT		PAPER NUMBER		
3629				
MAIL DATE		DELIVERY MODE		
02/20/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/680,672

Applicant(s)

DODGEN, JOHN N.

Examiner

THUY-VI NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date ____

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DETAILED ACTION

In view of the appeal brief filed on 12-05-07 PROSECUTION IS HEREBY REOPENED.

A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/John G. Weiss/

Supervisory Patent Examiner, Art Unit 3629

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atrio (US Patent No. 6,324,736) in view of Krim (.US Patent Application Publication No. US 2002/0072925 A1).

Regarding to claim 1, Atrio discloses a method of celebrating a person's life by attendees at a funeral after the person's death, comprising:

storing the message presentation with instructions that the message presentation be played at the person's funeral [...pre-record message is played at the funeral, video tapes or the video and audio images of the deceased during certain events in his/her lifetime which could then be edited to result in a single recorded presentation to play at the funeral service; see col. 2, lines 66-67; col. 4, lines 2-7];

and publicly playing the message presentation at the person's funeral for the attendees at the funeral to see and hear [...the message presentation about the

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deceased might be shared with his/her family, friends and other mourners attending the funeral service; see col. 4, lines 7-12].

causing the person, while alive, to create a message presentation that would welcome the attendee to the person's funeral and include personal comments to the attendee in a generally uplifting sense about the occasion of the funeral [...pre-recorded message about the life of deceased is played at the funeral; see abstract; col. 2, lines 61-67; col. 3, lines 1-2].

While Atrio does not teach, Krim discloses a message presentation is created by the person while alive [...member may record and document their memorable and life-enriching experiences with their family and friends at the member's death; the messages may be designated for delivery on a date certain; see pars. 0034-0036 and figures 5E-2 and 5F (attach to message)].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the instruction for playing a message presentation at the funeral service about the life of the deceased and to include a message created by a person while alive in order to share his/her thoughts and life experiences with the mourners attending the funeral service.

Regarding to claim 2, Atrio discloses wherein the message presentation is projected on a screen [...video display unit 20; col. 2, line 63; col. 5, lines 21-23 and figure 2].

Regarding to claim 3, Atrio discloses wherein the message presentation is an audio presentation [...audio and visual image; see abstract; col. 2, lines 65-66; col. 4, lines 2-5].

Regarding to claim 4, Atrio discloses wherein the message presentation is a combination video-type and audio presentation [...video tape edited to carry images of the deceased during his/her lifetime [...see col. 3, lines 666-67; col. 4, lines 1-5; col. 6, lines 1-4];

Regarding to claim 5, Atrio discloses wherein the message presentation is an audio/video presentation [...video and audio images of the deceased; see col. 4, lines 1-5].

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
4. The US patents to Evans discloses an apparatus located in a funeral establishment for displaying information about a deceased and patent application publication to Durham discloses a method of providing funeral products and services.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy-Vi Nguyen whose telephone number is 571-270-1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thuy-Vi Nguyen/

Examiner, Art Unit 3629

/John G. Weiss/

Supervisory Patent Examiner, Art Unit 3629